



NEWS

Judicial Council of California
ADMINISTRATIVE OFFICE OF THE COURTS
Public Information Office
(415) 865-7740
Lynn Holton, Public Information Officer

Release Date: August 29, 2000

Release Number: S.C. 35/00

SUMMARY OF CASES ACCEPTED DURING THE WEEK OF AUGUST 21, 2000

[This news release is issued to inform the public and the press of cases that the Supreme Court has accepted and of their general subject matter. The description or descriptions set out below do not necessarily reflect the view of the court, or define the specific issues that will be addressed by the court.]

#00-104 People v. Acosta, S089120. (B132967; 80 Cal.App.4th 714.) Petitions for review after the Court of Appeal modified and affirmed a judgment of conviction of a criminal offense.

#00-105 People v. Graves, S089533. (C029964; 80 Cal.App.4th 1336.) Petitions for review after the Court of Appeal modified and affirmed a judgment of conviction of criminal offenses.

The court limited review in Acosta to (1) whether the one strike law (Pen. Code, § 667.61) and the three strikes law (Pen. Code, § 667, (b)-(i)) operate together or exclusively of one another, and (2) whether the same prior conviction finding can be used both to trigger application of a 25 year-to-life sentence under the one strike law and as a “strike” under the three strikes law and/or to enhance the defendant’s sentence by five years under Penal Code section 667, subdivision (a).

The court limited review in Graves to issues similar to, and included within, the issues specified in Acosta.

(over)

#00-106 People v. Taylor, S088909. (B128957; 80 Cal.App.4th 804.) Petition for review after the Court of Appeal affirmed a judgment of conviction of criminal offenses. The court ordered briefing deferred pending decision in People v. Williams, S066106 (#98-21), People v. Metters, S069442 (#98-70), and People v. Cleveland, S078537 (#99-94) which concern the propriety of removing a juror for refusing to deliberate and follow the law.

DISPOSITION

97-149 Richmond v. A.P. Green Industries, Inc., S062813, was dismissed and remanded to the court of appeal

#